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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210732
Party	Defendant Laditan, Bunmi
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Submission	Answer
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Date	06/27/2013
Attachments	Answer to Opposition filed 062713.pdf(82961 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

The Honest Company, Inc.,	:	Opposition No: 91210732
	:	
Opposer,	:	Serial No. 85740533
	:	
v.	:	Mark: HONEST TODDLER
	:	
Bunmi Laditan,	:	Published in the Official
	:	Gazette: April 2, 2013
Applicant	:	

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Applicant, Bunmi Laditan, for her answer to the Notice of Opposition filed by The Honest Company against application for registration of Applicant’s mark, The Honest Toddler, Serial No. 85/740,533, filed September 27, 2013, and published in the Official Gazette of April 2, 2013, pleads and avers as follows:

1. Applicant denies the allegations contained in paragraph 1 of the Notice of Opposition.
2. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 2 of the Notice of Opposition and therefore denies same.
3. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 3 of the Notice of Opposition and therefore denies same.
4. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 4 of the Notice of Opposition and therefore denies same.

5. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 5 of the Notice of Opposition and therefore denies same.

6. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 6 of the Notice of Opposition and therefore denies same.

7. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 7 of the Notice of Opposition and therefore denies same.

8. Applicant admits the allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition

10. Applicant denies the allegations contained in paragraph 10 of the Notice of Opposition

11. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 11 of the Notice of Opposition and therefore denies same.

12. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 12 of the Notice of Opposition and therefore denies same.

13. Applicant denies the allegations contained in paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations contained in paragraph 16 of the Notice of Opposition.

17. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 17 of the Notice of Opposition and therefore denies same.

18. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 18 of the Notice of Opposition and therefore denies same.

19. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 19 of the Notice of Opposition and therefore denies same.

20. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 20 of the Notice of Opposition and therefore denies same.

21. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 21 of the Notice of Opposition and therefore denies same.

22. Applicant denies the allegations contained in paragraph 22 of the Notice of Opposition.

23. Applicant is without sufficient information to admit or deny the allegations contained in paragraph 23 of the Notice of Opposition and therefore denies same.

24. Applicant denies the allegations contained in paragraph 24 of the Notice of Opposition.

25. Applicant admits the allegations contained in paragraph 25 of the Notice of Opposition.

26. Applicant admits the allegations contained in paragraph 26 of the Notice of Opposition.

27. Applicant denies the allegations contained in paragraph 27 of the Notice of Opposition.

28. Applicant denies the allegations contained in paragraph 28 of the Notice of Opposition.

29. Applicant denies the allegations contained in paragraph 29 of the Notice of Opposition.

30. Applicant denies the allegations contained in paragraph 30 of the Notice of Opposition.

31. Applicant denies the allegations contained in paragraph 31 of the Notice of Opposition.

32. Applicant denies the allegations contained in paragraph 32 of the Notice of Opposition.

33. Applicant denies the allegations contained in paragraph 33 of the Notice of Opposition.

### **AFFIRMATIVE DEFENSES**

34. Applicant affirmatively alleges that as a result of its continuous usage of its mark HONEST TODDLER since adoption, this mark is a valuable asset of Applicant and carries considerable goodwill and consumer acceptance of its products sold under the mark.

35. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar.

36. Applicant affirmatively alleges that any similarity between the Mark and Opposer's alleged marks is restricted to the portion of the Mark consisting of the "honest," which is not distinctive. As a result, under the anti-dissection rule, any secondary meaning Opposer may have in its alleged "Honest" and "Honestbaby" mark is narrowly circumscribed to the exact trademark alleged and does not extend to the any other feature of the trademark beyond the word "honest".

37. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar. Any similarity, if at all, between Applicant's mark and the pleaded marks of Opposer is the word "Honest", which upon information and belief, has been used and registered by numerous third parties that provide natural and eco-friendly goods for families. As a result, Opposer cannot base any similarity between its pleaded marks and the mark of Applicant. Any trademark or service mark rights that Opposer may have are narrowly circumscribed to the goods or services indicated and another other use would not lead to a likelihood of confusion.

38. Applicant further affirmatively alleges that Applicant has been using its mark continuously since May 1, 2012; whereas the “Honest” marks claimed by Opposer are not in currently in use in commerce.

39. Applicant further affirmatively alleges that there is no likelihood of dilution of Opposer’s mark because Opposer is a lifestyle brand, whereas Applicant is a humorist and satirist.

40. Applicant further affirmatively alleges that Opposer has unclean hands by virtue of the September 5, 2012 interview conducted by Opposer of Applicant and posted on Opposer’s blog and website.

WHEREFORE, Applicant requests that the notice of opposition be dismissed.

Respectfully submitted,

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Attorneys for Applicant

Dated: June 27, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that on June 27, 2013, a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by email and first class mail, postage prepaid, to:

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/s/ Maria C. Simon

Maria C. Simon